IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No.4526 of 2005
in
Criminal Appeal NO.667 OF 2005.

Baban Krishna Gaikwad
& Others ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr.V.V.Purwant for the applicants

Mr.S.R.Shinde, APP for the respondent

CORAM: SMT.V.K.TAHILRAMANI, J.

DATE : 2nd August, 2005

P.C.

1. Heard learned Advocate for the Applicants and the learned APP for the State.

2. The Applicants are seeking bail. The Applicants have been convicted under Section 307 and 326 of I.P.C.

3. The learned Advocate for the Applicants state that the Applicants were on bail and they have not misused the liberty granted to them. This statement is not controverted by the prosecution.

4. In the present case, it is seen that four eye witnesses have been examined i.e. P.W.2. Dyaneshwar, P.W.3.Shivaji Pawar, P.W.4.Shalan Itape and P.W.5.

Janardhan Itape. Out of these eye witnesses, P.W.2 Dyaneshwar, P.W.3.Shivaji Pawar and P.W.4.Shalan Itape have not named the Applicants. P.W.5.Janardhan Itape is the only eye witness who has named three of the Applicants i.e. applicant nos.2 to 4. It is pertinent to note that this witness has not named Applicant No.1 Baban. So far as applicant Nos.2 to 4 are concerned Janardhan has not attributed any role to Applicant Shivaji Gaikwad. As per the witness Janardhan, accused Sunil Gaikwad and accused Ashok Itape beat him with sticks. Janardhan has not attributed any role to any of the present applicants in assaulting any of the other witnesses. Further, Janardhan has attributed major role of assault on himselfy to accused Narayan Raut. Looking to the evidence on record, in respect of the Applicants, I am inclined to grant bail.

5. The Applicants be released on bail in the sum of Rs.20,000/- each (Rupees Twenty Thousand Only) each with one or two solvent sureties to make up the said amount. During the pendency of this appeal, the applicants shall report to Bhuinj Police Station once in every fortnight.

. Application is disposed of accordingly.

(V.K.Tahilramani,J.)